

**United States District Court**

FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**ANNE NICOLE SHARP,**  
*on behalf of* **ROBERT LEE PENSE,**

**Plaintiff,**

**v.**

**KILOLO KIJAKAZI,**  
*Acting Commissioner of Social Security,*

**Defendant.**

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**Civil No.: 4:21-cv-00231-ALM-KPJ**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 22, 2022, the Magistrate Judge entered proposed findings of fact and recommendations (Dkt. #21) that (1) Robert Lee Pense's ("Mr. Pense") supplemental security income claim be dismissed; and (2) the Commissioner's decision as to Mr. Pense's disability insurance benefits claim be reversed and remanded for further proceedings.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

**IT IS ORDERED** that Mr. Pense's supplemental security income claim is dismissed and the Commissioner's decision as to Mr. Pense's disability insurance benefits claim is reversed and remanded for further proceedings.

**IT IS SO ORDERED.**

**SIGNED this 13th day of September, 2022.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE